IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1840 OF 2003

Mr.P.S.Dani for the Petitioner.

Ms.Smita Mane h/f Prafulla B. Shah for Respondents Nos. 1 & 2.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 27TH APRIL,2005

P.C.:

Rule. Returnable forthwith. Heard finally by consent of parties.

1. Though it is true that the reasons that have been given by the Petitioner for condonation of delay can by no stretch of imagination be called convincing, but as the Petitioner has agreed to pay substantial costs to the Respondent, the Respondent has no objection to the condonation of delay.

2. In this view of the matter, therefore, the order dated 9-7-2002 passed below Exh.A-1 in Civil Misc. Application No.167 of 2000 is set aside. That application is granted. Delay in filing an application for restoration of appeal is condoned. The Appeal court is directed to hear the application for restoration of appeal on merits. The Petitioner is directed to pay as and by way of costs of this petition an amount of Rs.5000/- to the Respondent. Payment of cost is condition precedent.

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